

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

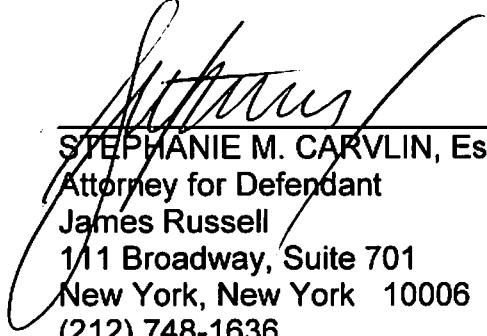
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UNITED STATES OF AMERICA, : **NOTICE OF MOTION**
v. : 11 Crim. 312 (JGK)
:
JAMES RUSSELL, :
Defendant. :
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PLEASE TAKE NOTICE that upon the annexed affidavits of STEPHANIE M. CARVLIN, Esq., and JAMES RUSSELL, the accompanying memorandum of law and all prior proceedings had herein, the undersigned counsel will move this Court, the John G. Koeltl, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, at a date and time convenient to the Court for an order suppressing physical evidence seized from Mr. Russell's person by members of the New York City Police Department on July 10, 2010, and for an order suppressing oral and written statements Mr. Russell made in response to custodial interrogation initiated by members of the New York City Police Department on July 11, 2010. In the alternative, Mr. Russell moves the Court to order an evidentiary hearing to determine the admissibility of the evidence.

These motions are made pursuant to Rule 12(b)(3)(C) of the Federal Rules of Criminal Procedure. The ground for seeking suppression of the evidence is that it was obtained in violation of Mr. Russell's right under the Fourth Amendment to the United States Constitution to be free from unreasonable searches and seizures.

Dated: **New York, New York**
June 10, 2011



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TO: CLERK OF THE COURT
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

HON. JOHN G. KOELTL
United States Courthouse
Southern District of New York
500 Pearl Street
New York, New York, 10007

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